IN THE DRAWINGS:

Delete Fig. 5A, partially in plan and partially in section and substitute new Figs. 5A, 5A1 and 5A2; and

Delete Fig. 5B, partially in plan and partially in section and substitute new Figs. 5B and 5B1.

Delete Fig. 6A, partially in plan and partially in section and substitute new Figs. 6A, 6A1 and 6A2; and

Delete Fig. 6B, partially in plan and partially in section and substitute new Figs. 6B and 6B1.

REMARKS

Claims 1-3, 10 and 15 were present in the application. Claims 1-3 are amended herewith. New Figs. 5A, 5A1 and 5A2, Figs. 5B and 5B1, Figs. 6A, 6A1 and 6A2, Figs. 6B and 6B1 are submitted herewith according to the Examiner's request. The specification is amended to accommodate the new Figures. Claims 1-3, 10 and 15 remain in the Application for further consideration.

In the Official Action dated January 29, 2009 the Examiner objected to the drawings specifically objecting to, "the split views of Figures 5A and 5B, which are partially in section and partially in plan." The Examiner asserted that, "These superposed views are unduly difficult to understand. A complete cross sectional view, showing the flow path(s) through the valve, is required."

Applicant submits herewith new figures in accordance with the Examiner's request. Specifically, original Fig. 5A, which was a view partially in section and partially in plan is replaced by Fig. 5A, completely in plan, Fig. 5A1, completely in section, showing the flow path straight through, and Fig 5A2 completely in section showing the drain flow path, as described in the specification at page 4, line 7 through page 4, line 27 in accordance with the Examiner's request.

New Fig. 5B and Fig. 5B1 provide complete plan and sectional views corresponding to original Fig. 5B, as described in the specification at page 4, line 28 through page 5, line 27.

Similarly, original Fig. 6A, which was a view partially in section and partially in plan is replaced by Fig. 6A completely in plan, Fig. 6A1, completely in section, showing the flow path straight through, and Fig. 6A2, completely in section, showing the drain flow path, as described in the specification at page 5, line 28 through page 6, line 15.

New Fig. 6B and Fig. 6B1 provide complete plan and sectional views corresponding to original Fig. 6B, as described in the specification at page 6, line 16 through page 7, line 14.

No new matter is added by the new figures which merely show complete sectioned or plan views, that complete the views as shown in the original figures.

The Examiner also objected to the drawings under 35 U.S.C. § 1.83(a) stating that "a stem and seat valve" should be shown or the feature cancelled from the claims. Claim 3 has

been amended to cancel the recitation of a stem and seat valve. Accordingly, this rejection is overcome.

The Examiner also rejected claims 1-2 and 15 under 35 U.S.C. § 102(b) as being anticipated by Piper. In rejecting the claims over Piper, the Examiner found, among other things, that Applicant's previous argument that Piper does not show a drain valve separate from the valve portion, to be unpersuasive. The Examiner stated that "it is impossible to determine whether this is true or not." The Examiner discussed claim 2, stating that "Claim 2 recites a ball section that is essentially the same thing as the valve portion...why can't the drain valve section be essentially the same thing as the valve portion and be hypothetically considered to be separate and adjacent." (Office Action, Page 4).

Applicant amends claims 1 and 2 herewith to more clearly define the invention and eliminate the source of confusion pointed to by the Examiner. Specifically, claim 2 is amended to delete reference to "a ball section".

Applicant thanks the Examiner for highlighting that the previously recited "ball section" was readily confused with the recited "valve portion". Claim 2 now more clearly recites that the "valve portion comprises a stem chamber...".

Such amendments should make it clear that the recited flow diversion device is disposed within the valve portion. As recited in amended claim 2 the flow diversion device is a ball valve and the valve portion comprises a chamber for the ball and a chamber for a stem that extends outwardly to a handle that effects actuation of the ball. In claim 1, as amended, and as supported by the specification, Applicant's fluid isolation valve, unlike Piper, includes "a drain valve section separate from and adjacent to said valve portion...said drain valve section having a drain port valve disposed within." It should be clear that this drain valve section and drain port valve are in addition to the valve portion which has the flow diversion device disposed within. Thus, it is clear from the claims as amended, that Applicant's claimed fluid isolation valve has both a valve portion with a flow diversion device disposed therein, and a drain valve section with a drain port valve disposed within. This structure is described in the specification, for example, at page 4, line 7 through line 27, wherein both a "drain port 506 having a drain valve 501" is described as well as a "flow diversion device, such as a ball valve 509, disposed within, a valve portion 508."

In contrast, Piper makes no mention whatsoever of a drain valve section separate from and adjacent to a valve portion. Piper makes no mention of a fluid isolation valve having a valve portion with a flow diversion device and a drain valve section with a drain port valve disposed within. Piper does not disclose or suggest each and every element of Applicant's claimed invention as recited in the claims as amended.

The Examiner also rejected claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by Eberhard. Eberhard, like Piper discussed hereinbefore, does not disclose or suggest a drain valve section separate from and adjacent to a valve portion. Eberhard makes no mention of a fluid isolation valve having a valve portion with a flow diversion device and a drain valve section with a drain port valve disposed within. Eberhard, like Piper, does not disclose or suggest each and every element of Applicant's claimed invention as recited in the claims as amended.

The Examiner rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Piper. The Examiner asserted that "a well known union connector in the valve of Piper is considered to be an obvious step." (Office Action, Page 5). As discussed hereinbefore, Piper does not disclose or suggest Applicant's claimed invention as recited in the amended claims. Specifically, Piper does not disclose each and every element of amended claim 1, thus claim 10, which is dependent on claim 1 should be allowable.

CONCLUSION

For at least the reasons set forth above, reconsideration and allowance of this application are believed to be in order, and such action is hereby solicited. If any points remain an issue which the Examiner feels may be best resolved through a telephone call, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. The Examiner is invited and encouraged to telephone the undersigned with any concerns in furtherance of the prosecution of the present application.

Please charge any deficiency as well as any other fee(s) which may become due at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-2896.

Respectfully submitted,

June 29, 2009
Dated:

/Brian L. Michaelis/

Brian L. Michaelis (Reg. No. 34,221)
Customer No. 71130
Attorney for Applicant(s)
SEYFARTH SHAW LLP
World Trade Center East
Two Seaport Lane, Suite 300
Boston, MA 02210
Tel: 617-946-4830
Fax: 617 946-4801
E-mail: bosippto@seyfarth.com